

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, OCTOBER 3 AND 4, 2011
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

REPORTING THE RESULTS OF THE CLOSED SESSION MEETING

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanzafame reports the results of the Closed Session Meeting of October 3 and 4, 2011, as follows:

CLOSED SESSION MEETING FOR MONDAY, OCTOBER 3, 2011

(Closed Session Item were heard on Tuesday, October 4, 2011)

CLOSED SESSION MEETING FOR TUESDAY, OCTOBER 4, 2011

ROLL CALL:

Present: Mayor Sanders, Council President Pro Tem Faulconer, and Councilmembers Lightner, Gloria, Zapf, Emerald, and Alvarez

Absent: Council President Young – Dist. 4 (Absent for the Meeting.)
Councilmember DeMaio – Dist. 5 (Absent for the Meeting.)

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *In re Cell Tower Litigation*

United States District Court Lead Case No. 07cv399 BEN (WVG)

Consolidated with:

Case No. 08cv435 BEN (WVG)
Case No. 08cv864 BEN (WVG)
Case No. 09cv439 BEN (WVG)
Case No. 09cv681 BEN (WVG)
Case No. 09cv1879 BEN (WVG)
Case No. 09cv1888 BEN (WVG)

CDCA Assigned: C. Leone

DCA Assigned: A. Jodlowski, Deputy City Attorney

Motion: Authorize appeal.
Moved: Councilmember Lightner - Dist. 1
Seconded: Councilmember Emerald - Dist. 7
Vote: 6 to 0 [Passed]
Absent: Council President Young (Dist. 4) and Councilmember DeMaio (Dist. 5)
Report: This item was reported out by Assistant City Attorney Mary Jo Lanzafame on Tuesday, October 4, 2011, at 2:27 p.m.

Today, in Closed Session, the City Council voted on Closed Session Item No. 1 in the matter of *In re Cell Tower Litigation*, United States District Court Lead Case No. 07cv399 BEN (WVG) (consolidated with additional cases), which arise from the denial of permit applications to continue operation of existing wireless facilities in the City of San Diego. The Council authorized the City Attorney to appeal that portion of the trial court decision relating to the Permit Streamlining Act cause of action.

The motion passed 6 to 0 with Council President Young and Councilmember DeMaio absent.

Conference with Legal Counsel – significant exposure to litigation, pursuant to California Government Code sections 54956.9(b)(1); 54956.9(b)(3)(C):

CS-2 2872 Nye Street Flood Claim
Claim No. 2808

DCA Assigned A. Contreras

Report: Nothing to Report

REPORTED BY: _____/s/
Mary Jo Lanzafame
Assistant City Attorney